

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CYNTHIA WARMBIER, *individually and as
personal representative of the Estate of Otto
Warmbier, et al.*,

Plaintiffs/Judgment Creditors,

-against-

DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA,

Defendant/Judgment Debtor.

Case No. 1:21-MC-00021 (LEK/DJS)

MOTION TO UNSEAL CERTAIN SEALED DOCUMENTS

Plaintiffs/Judgment Creditors Cynthia Warmbier and Frederick Warmbier, individually, and as personal representatives of the Estate of Otto Warmbier (together, the “Judgment Creditors”) request this Court to enter an Order unsealing certain sealed documents, specifically, (i) the Judgment Creditors’ Sealed Motion to Provide Notice to Judgment Debtor and Its Agency and/or Instrumentality, Dkt. No. 21 (the “Sealed Notice Motion”); (ii) the Sealed Order granting the Sealed Notice Motion, Dkt. No. 22 (the “Sealed Order”); (iii) the Sealed Notices of Execution on Property and Turnover Proceeding, Dkt. Nos. 23-24 (the “Sealed Notices”); (iv) the Judgment Creditors’ Supplemental Motion to Provide Notice to Judgment Debtor and Its Agency and/or Instrumentality, Dkt. No. 26 (the “Sealed Supplemental Notice Motion”); and (v) the Sealed Order granting the Sealed Supplemental Notice Motion, Dkt. No. 25 (the “Supplemental Sealed Order, and together with the Sealed Notice Motion, Sealed Order, Sealed Notice and Sealed Supplemental Notice Motion, the “Sealed Documents”).

RELEVANT LAW

1. “Once a court orders documents before it sealed, the court continues to have authority to enforce its order sealing those documents, as well as authority to loosen or eliminate any restrictions on the sealed documents.” *United States v. Pickard*, 733 F.3d 1297, 1300 (10th Cir. 2013) (citing *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 141 (2d Cir. 2004)).

REQUESTED RELIEF

2. The Judgment Creditors sought and obtained leave from the Court to file motions relating to providing notice to the judgment debtor, the Democratic People’s Republic of Korea (“North Korea”), and its agency and instrumentality, Korea Kwangson Banking Corporation (“KKBC”), under seal in order to prevent these entities from purposely evading or avoiding notice and/or service of the petition for turnover filed in this case. *See* Dkt. Nos. 18, 19, 20. As noted in the recently filed notice of proof of delivery, the Sealed Notices for both North Korea and KKBC were successfully delivered to the Permanent Mission of the Democratic People’s Republic of Korea to the United Nations. *See* Dkt. No. 28.

CONCLUSION

3. For the reasons set forth herein, the Judgment Creditors respectfully request that the Court unseal the Sealed Documents in their entirety.

WHEREFORE, Judgment Creditors respectfully request that the Court:

(A) Enter an order in the form attached hereto as **Exhibit A** unsealing the (i) the Sealed Notice Motion (Dkt. No. 21); (ii) the Sealed Order (Dkt. No. 22); (iii) the Sealed Notices (Dkt. Nos. 23-24); (iv) the Sealed Supplemental Notice Motion (Dkt. No. 26); and (v) the Supplemental Sealed Order (Dkt. No. 25); and

(B) Grant such further relief as the Court deems just and proper.

Dated: September 23, 2021

Respectfully submitted,

/s/ Jason H. Cowley

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Attorney for Judgment Creditors

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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-against-

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ORDER

For good cause shown, based upon the Judgment Creditors' Motion to Unseal Certain Sealed Documents (the "Motion"), it is hereby:

ORDERED that the Motion is GRANTED;

ORDERED that the following documents shall be unsealed in their entirety:

(i) the Judgment Creditors' Sealed Motion to Provide Notice to Judgment Debtor and Its Agency and/or Instrumentality (Dkt. No. 21); (ii) the Sealed Order granting the aforementioned motion (Dkt. No. 22); (iii) the Sealed Notices of Execution on Property and Turnover Proceeding (Dkt. Nos. 23-24); (iv) the Judgment Creditors' Supplemental Motion to Provide Notice to Judgment Debtor and Its Agency and/or Instrumentality (Dkt. No. 26); and (v) the Sealed Order granting the aforementioned supplemental motion (Dkt. No. 25).

IT IS SO ORDERED.

DATED: September ___, 2021
Albany, New York

The Honorable Lawrence E. Kahn
United States District Judge